

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. CRM-M No.9939 of 2017 (O&M)

Mohit @ Rahul

... Petitioner

Versus

State of Haryana

... Respondent

2. CRM-M No.15563 of 2017

Parvesh @ Babu

... Petitioner

Versus

State of Haryana

... Respondent

Date of decision: 30th August, 2017

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Manish Soni and Mr. Aditya Sanghi, Advocates
for the petitioners.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J.

These two regular bail applications one by petitioner Mohit @ Rahul and the other by Parvesh @ Babu, both under Section 439 Cr.P.C. having arisen out of the same very FIR bearing No.217 dated 26.07.2016 under Sections 302/307/324/34 IPC and Section 25 of the Arms Act pertaining to Police Station City Rewari, are being disposed off together for the sake of brevity.

The facts brought to the notice of this Court are that on 25.07.2016 certain labourers from Rajasthan and Madhya Pradesh, who were going on a tractor-trolley, entered into a verbal duel with two young boys who were on a motorcycle and the latter called four more boys leading to quarrel and who were identified subsequently as Mohit, Aman, Parvesh and Pawan. Accused Aman and Pawan who were carrying knives, gave blow of knife on the left of stomach of Rampal and another blow on the left side of his chest. Accused Pawan again gave blows of his knife on the stomach of Rampal and Harlal as a consequence of which Rampal died at the spot while injured Harlal and Mahender were referred for expert medical treatment to higher authorities.

Contentions of learned counsel for the petitioners are that two of the eye-witnesses Harlal and Kalu Ram have not supported the prosecution story and have been declared hostile and that the petitioners are in custody since 26.07.2016 and that the trial is not likely to conclude in near future.

The same is stoutly opposed by learned State counsel on the grounds that the accused side had already influenced the witnesses and if allowed bail they would influence the remaining witnesses too and conduct of the petitioners/accused side sufficiently bears out that being

locals they would hamper fair trial and has sought dismissal of the petition.

Appreciating the submissions, as is reflected from the trial Court records, though two of the witnesses have not come forth to support the prosecution story, is in itself reflective of the influence/intimidating tactics of the accused side in circumventing due process of law. In view of the evidence collected during investigations leading to recovery of incriminating articles at the behest of the accused and the apprehension of the State that if allowed bail they would influence the witnesses with more rigor to be not unfounded, does not calls for grant of bail. Thus, finding no merit both the present petitions stand dismissed.

Records be sent back immediately.

(FATEH DEEP SINGH)
JUDGE

August 30, 2017

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No